

Case No.:

COMPLAINT AND DEMAND FOR JURY TRIAL

V.

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COMPLAINT

INTRODUCTION

JURISDICTION AND VENUE

PLAINTIFF'S COMPLAINT

1 12. Defendant called Plaintiff from multiple telephone numbers,
2 including, but not limited to 888-272-5543. The undersigned has confirmed that
3 this number belongs to Defendant.

4 13. When contacting Plaintiff on her cellular telephone, Defendant used
5 an automatic telephone dialing system and/or automatic and/or pre-recorded
6 messages.
7

8 14. Plaintiff knew Defendant was using an automatic telephone dialing
9 system and/or automatic and/or pre-recorded messages as she would be regularly
10 greeted with a recorded message prior to one of Defendant's representatives
11 coming on the phone.
12

13 15. Defendant's calls were not made for "emergency purposes."
14

15 16. Although Plaintiff had an account with Defendant, she revoked
16 consent for Defendant to call her cellular telephone shortly after calls started in or
17 before August 2015 and again in September 2015, by telling the Defendant to stop
18 calling her.
19

20 17. Once Defendant was informed that its calls were unwanted and to
21 stop calling, there was no lawful purpose to making additional calls, nor was there
22 any good faith reason to place calls.

23 18. However, Defendant persisted in calling Plaintiff on her cellular
24 telephone through June 2017.
25

1 19. Plaintiff found Defendant's calls to be invasive, harassing,
2 frustrating, aggravating, and upsetting.

3
4 **COUNT I**
5 **DEFENDANT VIOLATED THE TCPA**

6 20. Plaintiff incorporates the forgoing paragraphs as though the same
7 were set forth at length herein.

8 21. Defendant initiated automated calls to Plaintiff using an automatic
9 telephone dialing system and/or pre-recorded voice.
10

11 22. Defendant initiated calls to Plaintiff using a pre-recorded or artificial
12 voice.

13 23. Defendant's calls to Plaintiff were not made for emergency
14 purposes.
15

16 24. After Defendant was told to stop calling it knew or should have
17 known that any consent to call it thought it had was revoked.

18 25. Defendant's acts as described above were done with malicious,
19 intentional, willful, reckless, wanton and negligent disregard for Plaintiff's rights
20 under the law and with the purpose of harassing Plaintiff.
21

22 26. The acts and/or omissions of Defendant were done unfairly,
23 unlawfully, intentionally, deceptively and fraudulently and absent bona fide error,
24 lawful right, legal defense, legal justification or legal excuse.
25

1 27. As a result of the above violations of the TCPA, Plaintiff has
2 suffered the losses and damages as set forth above entitling Plaintiff to an award
3 of statutory, actual and trebles damages.
4

5
6 WHEREFORE, Plaintiff, CHAKETA WILSON, respectfully prays for
7 judgment as follows:

- 8 a. All actual damages suffered pursuant to 47 U.S.C. § 227(b)(3)(a);
9
10 b. Statutory damages of \$500.00 for each violation of the TCPA,
11 pursuant to 47 U.S.C. §227(c)(5)(B);
12
13 c. Treble damages of \$1,500.00 per violative telephone call
14 pursuant to 47 U.S.C. §227(b)(3);
15
16 d. Injunctive relief pursuant to 47 U.S.C. § 227(b)(3); and
17
18 e. Any other relief deemed appropriate by this Honorable Court.

19 **DEMAND FOR JURY TRIAL**

20 PLEASE TAKE NOTICE that Plaintiff, CHAKETA WILSON, demands a
21 jury trial in this case.
22
23
24
25

Respectfully submitted,

Dated: January 31, 2018

/s/ Amy L. B. Ginsburg
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